

REMARKS

Claims 1-27 remain pending. In the present Office Action, claims 1-4, 12, 15-19, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yamagami et al., U.S. Patent No. 6,836,830 ("Yamagami"). Claims 5-11, 13-14, and 20-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamagami in view of Ito et al., U.S. Patent Application Publication No. 2002/0016792 ("Ito"). Applicant respectfully traverse these rejections and request reconsideration.

The present Office Action essentially maintains the rejections of claims 1-27 made in the previous Office Action, mailed February 28, 2006 in the captioned application. Applicant believes that the remarks presented in the Response to the previous Office Action (the "Previous Response"), filed April 7, 2006 illustrate reasons why the pending claims are patentable over the cited art. **Applicant incorporates the remarks from the Previous Response by reference herein to preserve them for appeal.** Applicant responds to the Response to Arguments section of the present Office Action below.

Applicant respectfully submits that claims 1-27 each recite a combination of features not taught or suggested in the cited art. For example, claim 1 recites a combination of features including: "modify at least a first attribute corresponding to a first volume, the first volume corresponding to a computer system's backup state, wherein the computer system's backup state was previously saved in a backup operation, and wherein the first attribute is modified in the computer system's backup state subsequent to the backup operation; and subsequent to modifying the first attribute, cause the first volume with the modified first attribute to be created on a first computer system as part of a restore of the computer system's backup state to the first computer system."

In the Response to Arguments section, the present Office Action asserts that "Yamagami saves a copy after making changes to the attributes of the volume, which is equivalent to making a backup subsequent to modifying the first attribute." (Office Action, page 8, lines 12-14). Irrespective of the correctness of the above assertion, the

above assertion does not teach the highlighted features of claim 1. Claim 1 recites "the first attribute is modified in the computer system's backup state subsequent to the backup operation". This is **the opposite** of making a backup subsequent to modifying the first attribute, as asserted above.

Furthermore, the Response to Arguments section states that "Since Yamagami can save copies after making changes to the attribute of the volume, the restoring can be done with the copy of the modified attribute". Applicant respectfully disagrees, and reasserts that Yamagami does not teach restoring the volume. The word "restore" is used in col. 4, lines 41-47, but no other information is given and thus the features highlighted above are not taught.

For at least the above stated reasons, Applicant submits that claim 1 is patentable over the cited art. Claims 2-15, being dependent from claim 1, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 2-15 recite additional combinations of features not taught or suggested in the cited art. **Applicant reserves the right to highlight such additional features on Appeal.**

Claim 16 recites a combination of features including: "modifying at least a first attribute corresponding to a first volume, the first volume corresponding to a computer system's backup state, wherein the computer system's backup state was previously saved in a backup operation, and wherein the modifying is performed in the computer system's backup state subsequent to the backup operation; and subsequent to the modifying, initiating a restore of the computer system's backup state, including the first volume with the modified first attribute, to a first computer system, wherein the restore comprises creating the first volume on the first computer system." The same teachings of Yamagami highlighted above with regard to claim 1 are alleged to teach the features of claim 16. Applicant respectfully submits that Yamagami does not teach or suggest the above highlighted features, either. Accordingly, Applicant submits that claim 16 is patentable over the cited art. Claims 17-26, being dependent from claim 16, are similarly patentable over the cited art for at least the above stated reasons. Each of claims 17-26

recite additional combinations of features not taught or suggested in the cited art.

Applicant reserves the right to highlight such additional features on Appeal.

Claim 27 recites a combination of features including: "a first computer system configured to modify at least a first attribute of a first volume corresponding to a computer system's backup state, wherein the computer system's backup state was previously saved in a backup operation, and wherein the first attribute is modified in the computer system's backup state subsequent to the backup operation, and wherein the first computer system is configured to subsequently initiate a restore of the computer system's backup state, including the first volume with the modified first attribute." The same teachings of Yamagami highlighted above with regard to claim 1 are alleged to teach the features of claim 27. Applicant respectfully submits that Yamagami does not teach or suggest the above highlighted features, either. Accordingly, Applicant submits that claim 27 is patentable over the cited art. **Applicant reserves the right to highlight such additional features on Appeal.**

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-20600/LJM.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Request for Approval of Drawing Changes
- Notice of Change of Address
- Fee Authorization Form authorizing a deposit account debit in the amount of \$ for fees ().
- Other:

Respectfully submitted,



Lawrence J. Merkel
Reg. No. 41,191
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

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